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Image 2876

Attorney Docket No. FLM 5712/1417Y P701

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re U.S. Patent Application of
Becker, et al.

Application No. 10/075,153

Filed: February 14, 2002

For: Coding Symbolology and a Method
for Printing Same

)
)
) Art Unit: 2876

)
) Examiner: K. Koyama
)
)

APPLICANTS' INTERVIEW SUMMARY

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Commissioner:

On January 28, 2004, the undersigned conducted a telephonic interview with Examiner Kumiko Koyama and Primary Examiner Diane I. Lee. Applicants and their counsel thank the Examiners for their time. This summary constitutes a recordation contemplated by 37 C.F.R. § 1.133 and MPEP § 713.04.

A. Brief Description of Nature of any Exhibit or Demonstration

None.

B. Identification of Claim(s) Discussed

Amendments to each of the independent claims were discussed, a copy of which are attached as Exhibit "A."

C. Identification of Specific Prior Art Discussed

United States Patents Nos. 5,237,164 and 6,408,286, as well as International Application WO 99/49408.

D. Identification of Principal Proposed Amendments Discussed

Amendments to each of the independent claims were discussed, a copy of which are attached as Exhibit "A."

E. General Identification of Principal Argument Discussed

Applicants submit that their proposed claims are patentable over the prior art of record because the art fails to disclose, teach or otherwise suggest an article of manufacture having a bar code where the article itself comprises at least part of the bar code, a bar code comprising variable information, or a flexible article having a bar code, as described in Applicants' specification.

In this regard, Applicants' undersigned counsel advised the Examiners that although International Application WO 99/49408 (which was referenced and discussed in Applicants' original application) discloses a container having a bar code, the reference fails to teach, disclose or otherwise suggest that the bar code may comprise variable information. This is because the '408 application teaches that the bar code is formed in a hot stamp process that uses a metal stamp die (8:22-23)¹.

In that process, the metal die must be etched with each bar code image to be transferred or "stamped." Because such a die is designed to last several years, a bar code formed from that die would necessarily contain only information that remains unchanged – or fixed – for several years. No variable information would be included.

F. Other Pertinent Matters Discussed

None.

G. Results of Interview

No agreement was reached, as the Examiners requested time to review Applicants' detailed arguments in Applicants' anticipated Reply to the outstanding Office Action. Thus, because the interview and this corresponding summary were intended only to broach Applicants' arguments, Applicants respectfully incorporate their detailed arguments that will be made of record in their Reply.

H. Copies of Internet E-mail, if Conducted via Email

Attached as Exhibit "A."

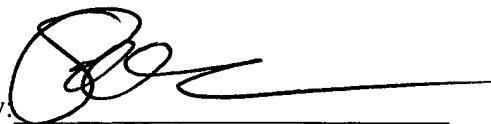
¹ Citation is to page and line numbers of the reference.

CONCLUSION

Applicants submit the above constitutes a complete, written statement as contemplated by 37 C.F.R. 1.133 and MPEP § 713.04. Applicants respectfully request this paper to be made of record in the above-identified application. The Examiner is requested to contact the undersigned if the Examiner has any questions.

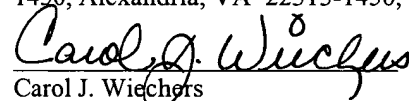
Respectfully submitted,

Date: January 28, 2004

By: 
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Reg. No. 47,396
Wallenstein Wagner & Rockey, Ltd.
311 South Wacker Drive, 53rd Floor
Chicago, IL 60606
(312) 554-3300

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Carol J. Wiechers
(192726)

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Your Reference Number: 10/075,153 Examiner: K. Koyama Group Art No.: 2876	Senders Reference Number: FLM 5712 1417Y P 701
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Carol J. Wickers
Carol J. Wickers (183237)

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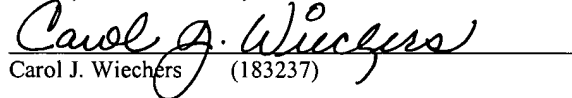
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Carol J. Wiechers (183237)